



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,565	12/14/1999	STEVEN ERICSSON ZENITH	MS-148615.1	3972

47973 7590 03/10/2005

WORKMAN NYDEGGER/MICROSOFT  
1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UT 84111

EXAMINER
----------

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
----------	--------------

2179

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/461,565	<b>Applicant(s)</b> ZENITH, STEVEN ERICSSON	
	<b>Examiner</b> Truc T Chuong	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5, 6, 8-10, 20, 21, 26-28 and 30-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8-10, 20, 21, 26-28 and 30-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This communication is responsive to Amendment, filed 10/08/04.
2. Claims 1-3, 5, 6, 8-10, 20, 21, 26-28 and 30-47 are pending in this application Claims 1, 20, 26, 46 and 47 are independent claims. In Amendment, claims 1, 20, 26, 38, 39, and 45 are amended, and claims 46-47 are new claims. This action is made final.

#### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 26, 27, 28, 30-34, and 47 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter specially computer readable media. The computer readable media claimed as being an abstract idea, the computer readable media having instructions thereon which when executed perform the steps of using the method would normally be considered statutory unless the specification defines "computer readable media" as including intangible media such as signals, waves, transmission media, etc. In this case, the applicant has just claimed the signal for the computer readable media. An appropriate correction is required.

#### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2179

6. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "overly" in claim 5 is a relative term which renders the claim indefinite. The term "overly" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. An appropriate correction is required. The examiner will interpret that there is only chat section on the screen when rejecting claim 5.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3,5,6,8-10,20,21,26-28 and 30-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busey et al. (U.S. Patent No. 6,785,708 B1) in view of Schindler (U.S. Patent No. 6,081,830).

As to claims 1, 20, 46 and 47, Busey teaches in a device having a graphical user interface and a display capable of displaying video signals and chat communications in frames on the display in any of a plurality of selectable display modes, each of the display modes defining the relative positions and sizes of the display frames, a method comprising:

Art Unit: 2179

receiving a video signal at the device (video and audio, element 478, e.g., col. 3 lines 55-56, col. 8 lines 35-38, and fig. 4H);

receiving at the device one or more chat communications corresponding to the video signal (e.g., col. 7 lines 16-45, and figs. 4A-H);

displaying the video signal and the one or more chat communications on the display in a first display mode (e.g., col. 7 lines 16-56, and figs. 4B-H), such that the video signal is displayed in a first frame that has a corresponding size and position on the display, and such that the one or more chat communications are displayed in a second frame that has a corresponding size and position on the display (e.g., col. 7 lines 16-56, and figs. 4B-H);

displaying in the second frame a link (Fixit hyperlink, e.g., col. 7 lines 16-58, and figs. 4B-H), such that when the link to the second display mode is selected, the second frame displays the one or more chat communications with at least one of a different size and a different frame position than was used by the second frame in the first display mode, and while still displaying the video signal in the first frame (e.g., col. 7 lines 16-56, and figs. 4B-H); and

displaying a link (Fixit hyperlink, e.g., col. 7 lines 16-58, and figs. 4B-H) to a third display mode within the second frame when the second frame is displayed in the second display mode, and such that when the link to the third display mode is selected, the second frame displays the one or more chat communications with at least one of a different frame size and a different frame position than was used by the second frame in both the first and second frame display modes, and while still displaying the video signal in the first frame (e.g., col. 7 lines 16-56, and figs. 4B-H);

the examiner interprets video signal is the video or audio display such as element 478, ... (e.g., col. 3 lines 55-56, col. 8 lines 35-38, and fig. 4H). If it is not the video signal displaying an event with a chat section at the same time and mode as claimed by the applicant, it is well known and would have been obvious at the time of the invention, a person with ordinary skill in the art would want to have the current broadcast with the chat section of Schindler (Schindler, col. 2 lines 5-20, and fig. 3) in the multiple chat windows of Busey to provide for more convenient to the chat rooms (e.g., col. 2 lines 5-6).

As to claim 2, Busey in view of Schindler teaches the method of claim 1, wherein the video signal comprising a television show (Schindler, e.g., fig. 3).

As to claim 3, Busey in view of Schindler teaches the method of claim 1, wherein the one or more chat communications comprise text (e.g., figs. 4B-H).

As to claim 5, Busey teaches the method of claim 1, wherein the one or more chat communications overly a portion of the video signal (fig. 4A).

As to claim 6, Busey in view of Schindler teaches the method of claim 1, further comprising:

changing the video signal to receive a different channel, and in response to the different channel sending a request to a server for different chat communication corresponding to the different channel (Schindler, col. 1 line 64-col. 2 line 15, and fig. 3).

As to claim 8, Busey in view of Schindler teaches the method of claim 1, further comprising displaying an area on the display for sending information relating to the video signal or the one or more chat communications (Schindler, e.g., fig. 3).

Art Unit: 2179

As to claim 9, Busey in view of Schindler teaches the method of claim 1, further comprising displaying an area on the display for scrolling through the one or more chat communications (Schindler, e.g., element 46 of fig. 3).

As to claim 10, Busey in view of Schindler teaches the method of claim 1, further comprising:

selecting the link, wherein the link identified a television markup language document that represents the second display mode (Fixit hyperlink, e.g., col. 7 lines 16-58, and figs. 4B-H), and rendering the document to display the video signal and one or more chat communication in accordance with the second display mode (e.g., figs. 4B-D).

As to claim 21, Busey in view of Schindler teaches the device of claim 20, wherein the means for switching to the second display mode including actuating a hypertext link displayed in the first display mode (Fixit hyperlink, e.g., col. 7 lines 16-58, and figs. 4B-H).

As to claims 26-28, 30-32, they are computer program product claims of system claims 1-2, 6, 5, 10, and 9. Note the rejections of claims 1-2, 6, 5, 10, and 9 above respectively.

As to claim 33, Busey in view of Schindler teaches a computer-readable medium as recited in claim 26, wherein a markup language document represents the first display mode, the computer-readable medium further comprising computer-executable instruction for rendering the document to display the video and the chat in accordance with the first display mode (Fixit hyperlink, e.g., col. 7 lines 16-58, and figs. 4B-H).

As to claims 34, and 41-43, Busey in view of Schindler teaches a computer-readable medium as recited in claim 26, wherein selection of the link also causes the first frame to display

Art Unit: 2179

the video signal with at least one of a different first frame size and a different first frame position (Schindler, e.g., fig. 3).

As to claim 35, Busey in view of Schindler teaches a method as recited in claim 1, wherein selection of the link also cause the first frame to display the video signal with at least one of a different first frame size and a different first position (Schindler, e.g., fig. 3).

As to claim 36, Busey in view of Schindler teaches a method as recited in claim 1, wherein the link comprises a selectable object displayed within the second frame (e.g., col. 7 lines 16-58, and figs. 4B-H).

As to claim 37, it can be rejected under similar rationale as claims 36 above.

As to claims 38 and 45, Busey in view of Schindler teaches method as recited in claim 1, further comprising:

displaying with the video signal and the one or more chat communications at least one additional link corresponding to at least one additional display mode that is different than the first and second display mode and that when selected causes at least one of the size and position of at least one of the first and second frames to change, and while still displaying the video signal and the chat communications (e.g., col. 7 lines 16-58, and figs. 4B-H).

As to claim 39, it is a computer program product claim of method claim 38. Note the rejection of claim 38 above.

As to claim 44, Busey in view of Schindler teaches a method as recite in claim 1, wherein selection of the link causes the first frame to display the video signal with at least one of a different frame size and a different position (Schindler, e.g., fig. 3).



*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

03/05/05

  
BA HUYNH  
PRIMARY EXAMINER